

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JOHNATHAN PINNEY
#173141

PLAINTIFF

v. No. 4:19-cv-138-DPM

CHRIS WARING, Lieutenant,
Fairfield Bay Police Department;
CHAD BROWN, State's Attorney;
FOSTER, Van Buren County Judiciary;
MARK RODDENBERRY, Sergeant,
Fairfield Bay Police Department;
DALLAS CLARK, Code Enforcement
Officer, Fairfield Bay; LUCAS
EMBERTON, Sheriff, Van Buren County;
and CATHY HERSMAN, Fairfield
Bay Community Club

DEFENDANTS

ORDER

1. Pinney's motion for a writ of *habeas corpus*, No 44, is denied. Pinney can't get *habeas* relief in this § 1983 lawsuit; he must file a separate *habeas corpus* action if he wants to challenge his incarceration. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973).

2. This case is stayed pending the final disposition of Pinney's state criminal case. Pinney's embedded motion to consolidate his cases, No 44 at 2, is therefore denied without prejudice. This case must remain on hold.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

5 August 2019